

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LAMAR DONTE REYNOLDS,

Case No. 2:19-cv-3495

Petitioner,

:

Judge Sarah D. Morrison
Magistrate Judge Elizabeth Preston Deavers

-vs-

WARDEN, LEBANON CORRECTIONAL
INSTITUTION,

Respondent.

:

OPINION AND ORDER

On September 9, 2019, the Magistrate Judge issued a Report and Recommendation pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts recommending that the petition for a writ of habeas corpus be dismissed. (ECF No. 5). Although Petitioner was advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed. Instead, Petitioner has filed a Motion to Dismiss and Writ of Demand of Leave of Court/Discovery motion. (ECF Nos. 6, 7). He argues that police acted illegally, in violation of the Fourth Amendment, and that the prosecutor pursued fraudulent charges against him. He requests a "certified copy of the 'Certified Delegation of Authority Order' issued to the U.S. District Court for the Southern district of Ohio, and confirmed by Congress." (*Writ of Demand of Leave of Court/Discovery*, ECF No. 7, PAGEID # 51).

However, claims under the Fourth Amendment do not ordinarily provide a basis for federal habeas corpus relief. *See Moore v. Warden, Noble Corr. Inst.*, No. 2:18-cv-379, 2018 WL 5266795, at *3 (S.D. Ohio Oct. 23, 2018) (citing *Stone v. Powell*, 428 U.S. 465, 482 (1976);

Riley v. Gray, 674 F.2d 522, 526 (6th Cir. 1982)). Moreover, Petitioner has failed to comply with Rule 2(c) of the Rules Governing Section 2254 Cases. He does not clearly indicate his grounds for relief. This Court cannot decipher the basis for his claims. Further, and as previously discussed, it appears that this action remains subject to dismissal as unexhausted.

For these reasons and for the reasons detailed in the Magistrate Judge's Report and Recommendation, Petitioner's Motion to Dismiss and Writ of Demand of Leave of Court/Discovery (ECF Nos. 6, 7) are **DENIED**. The Report and Recommendation (ECF No. 5) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court **DECLINES** to issue a certificate of appealability.

The Court certifies that an appeal would not be in good faith and that a request to proceed in forma pauperis on appeal should be denied.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE